

OCT 03 2005

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1 decedent. As Personal Representative, you have the authority to manage the estate
 2 assets, but you must manage the estate assets for the benefit of those interested in
 3 the estate.

4 **2. FIDUCIARY DUTIES.** As Personal Representative you are a fiduciary. This
 5 means you have a legal duty of undivided loyalty to the beneficiaries and the
 6 creditors of the estate. You must be cautious and prudent in dealing with estate
 7 assets. As Personal Representative, the estate assets do not belong to you and must
 8 never be used for your benefit or mixed with your assets or anyone else's assets.
 9 Arizona law prohibits a Personal Representative from participating in transactions
 10 that are a conflict of interest between you, as Personal Representative, and you as
 11 an individual. Other than receiving reasonable compensation for your services as
 12 Personal Representative, you may not profit from dealing with estate assets.

13 **3. PROVIDE NOTICE OF APPOINTMENT.** Within thirty (30) days after your
 14 appointment as Personal Representative, you must mail notice of your appointment
 15 to the heirs and devisees whose addresses are reasonably available to you. If your
 16 appointment is made in a formal proceeding, you need not give notice to those
 17 persons previously noticed of a formal appointment proceeding. See A.R.S. § 14-
 18 3705. Although the law gives you thirty days to mail this notice, you will read in
 19 paragraphs 4 and 5 below that other notices must be mailed within ten (10) days of
 20 your appointment or admission of the will to probate. **RATHER THAN WAIT**
 21 **THIRTY DAYS TO GIVE THIS NOTICE OF YOUR APPOINTMENT, IT**
 22 **IS STRONGLY RECOMMENDED THAT YOU MAIL NOTICE OF YOUR**
 23 **APPOINTMENT TO THE HEIRS AND DEVISEES IN ONE MAILING**
 24 **WITHIN TEN DAYS ALONG WITH A COPY OF THIS ORDER TO**
 25 **PERSONAL REPRESENTATIVE AND, IF A WILL WAS ACCEPTED FOR**
 26 **PROBATE, THE NOTICE OF ADMISSION OF THE WILL TO**
 27 **INFORMAL PROBATE AND A COPY OF THE WILL.**

28 **4. PROVIDE NOTICE OF ADMISSION OF WILL TO PROBATE.** Within 10
 29 (ten) days of the Admission of the Will to informal probate, you must give written
 30 notice to all heirs and devisees of the Admission of the Will to probate, together
 31 with a copy of the Will. You must notify the heirs that they have 4 (four) months
 32 to contest the probate. See A.R.S. § 14-3306.

33 **5. MAIL COPIES OF THIS ORDER TO PERSONAL REPRESENTATIVE.**
 34 **WITHIN 10 DAYS OF YOUR APPOINTMENT, YOU MUST MAIL A COPY OF**
 35 **THIS ORDER TO PERSONAL REPRESENTATIVE AND**
 36 **ACKNOWLEDGMENT AND INFORMATION TO HEIRS, TO ALL THE HEIRS**
 37 **AND DEVISEES OF THE ESTATE, AND TO ANY OTHER PERSONS WHO**
 38 **HAVE FILED A DEMAND FOR NOTICE.**

39 **6. FILE PROOF OF COMPLIANCE.** Within 15 days of your appointment as
 40 Personal Representative, you must file with the Court a notarized statement
 41 swearing that a copy of this Order was mailed to each devisee, to each heir in
 42 intestate (no will) estates and to any other persons who have filed a demand for
 43 notice.

44 **7. PUBLISH NOTICE.** After your appointment as Personal Representative, you
 45 must publish a notice once a week for 3 consecutive weeks in a Maricopa County

46 DYER & FERRIS
 47 2550 North Central
 48 Suite 1801
 49 Phoenix, AZ 85004-1449
 50 (602) 254-6008

51 Prentiss, Leonard
 52 LAK/sjb August 29, 2005
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55 PAGE 2/17 * RCVD AT 10/3/2005 2:28:09 PM [Eastern Daylight Time] * SVR:USPTO-EXRF-6/24 * DNIS:2738300 * CSID:602 229 5690 * DURATION (mm:ss):05:30

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1 newspaper of general circulation that announces your appointment as Personal
2 Representative and tells creditors of the estate that unless they present their claims
3 against the estate within the prescribed time limit, the claims will not be paid. In
addition, you must mail a similar notice to all persons you know are creditors. See
A.R.S. § 14-3801.

4 **PROTECT ASSETS.** You must immediately find, identify, and take possession
5 of the estate assets and make proper arrangements to protect them. See A.R.S. §
6 14-3709. All property must be retitled to show ownership in the name of the estate
7 such as "Estate of (decedent's name), your name, as Personal Representative." Do
8 not put the estate assets into your name, anyone else's name, joint accounts, trust
accounts ("in trust for"), or payable on death ("POD") accounts. Do not list
yourself or any other person as joint owner or beneficiary on any bank accounts or
other assets belonging to the estate. Do not mix any estate assets with your own
assets or anyone else's assets.

9 If your authority as Personal Representative has been limited by the Court, you must
10 promptly protect the estate assets as ordered, and file a Proof of Restricted Assets
11 with the Court. You may not sell, encumber, distribute, withdraw or otherwise
12 transfer restricted assets without first obtaining permission from the Court.

13 **DETERMINE STATUTORY ALLOWANCES.** It is your responsibility to
14 determine whether any individuals are entitled to statutory allowances under A.R.S.
15 § 14-2402, 2403, and 2404. Statutory allowances include a homestead allowance,
16 exempt property allowance, and a family allowance.

17 **INVENTORY ASSETS.** Within ninety (90) days after your appointment as
18 Personal Representative, you must prepare an inventory or list of the decedent's
19 probate assets and their values as of the date of death. See A.R.S. §14-3706. The
20 inventory must be either (1) filed with the Court and mailed to all interested persons
21 who request it, or (2) not filed with the court, but mailed to all heirs, devisees, and
other interested persons who have requested it.

22 **STANDARD OF CARE.** In administering estate assets, you must observe the
23 standards of care applicable to a trustee, including the prudent investor act. See
24 A.R.S. §§14-7301 et seq., and 14-7601 et seq.

25 **KEEP DETAILED RECORDS.** You must keep detailed records of all receipts
26 and expenses of the estate. You are required to provide an accounting of your
27 administration of the estate to all persons affected by the administration. See
28 A.R.S. §14-3933.

29 **PAY VALID DEBTS AND EXPENSES.** You must determine which claims and
30 expenses of the estate are valid and should be paid. You must provide to any
31 creditor whose claims are not allowed prompt written notification that they will not
32 be paid or will not be paid in full. See A.R.S. §14-3806. To the extent there are
33 enough assets in the estate, you are responsible for the payment of any estate debts
34 and/or expenses you know about or can find out about. If there are not enough
35 estate assets to pay all debts and expenses that should not be paid.

1 14. **PAY TAXES.** It is your responsibility to determine that all taxes are paid and that
2 all tax returns for the decedent and the estate are prepared and filed.

3 15. **DISTRIBUTE REMAINING ASSETS.** After payment of all debts and expenses
4 of the estate, you must distribute estate assets as directed in the Will or, if there is
5 not a Will, to the intestate heirs. If there are not enough assets in the estate to make
6 the gifts as set forth in the Will, it is your responsibility to determine how to
7 distributions should be made as required by law. See A.R.S. §§14-3902 and 14-
8 3907. You may be personally liable if you make an improper distribution of estate
9 assets.

10 16. **CHANGE OF ADDRESS.** Until the probate is closed and you are discharged as
11 Personal Representative, you must notify the Court in writing if you change your
12 home or mailing address.

13 17. **PAYMENT AS PERSONAL REPRESENTATIVE.** As Personal Representative,
14 you are entitled to reasonable compensation. See Maricopa County Local Rule 5.7.
15 Arizona statutes do not designate percentage fees for your work or say how much
16 a Personal Representative should be paid. You must keep receipts to prove out-of-
17 pocket expenses. In determining whether a fee is reasonable, the following factors
18 will be considered:

19 a. The time required (as supported by detailed time records), the novelty and
20 difficulty of the issues involved, and the skill required to do the service
21 properly;

22 b. The likelihood that your acceptance as Personal Representative will
23 preclude other employment;

24 c. The fee normally charged in the area for similar services;

25 d. The nature and value of estate assets, the income earned by the estate, and
26 the responsibilities and potential liability assumed by you as Personal
27 Representative;

28 e. The results obtained for the estate;

29 f. The time limitations imposed by the circumstances;

30 g. The experience, reputation, diligence and ability of the person performing
31 the services;

32 h. The reasonableness of the time spent and service performed under the
33 circumstances; and

34 i. Any other relevant factors.

35 18. **COURT INVOLVEMENT.** Usually, to reduce estate expenses, estates are
36 administered and estate claims and expenses are paid, including the fees to the
37 attorney and Personal Representative, with little Court involvement. The Court does
38 not supervise informal probates or the conduct of a Personal Representative.

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Prentiss, Leonard
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However, if any party believes that the estate has not been properly handled or that the fees charged by the attorney or Personal Representative are not reasonable under the circumstances, that party may request that the Court review the accounting for the Personal Representative's administration of the estate. Any additional Court involvement may result in additional delay and expenses. If appropriate, the Court may assess the additional expense against the estate or the nonprevailing party.

19. CLOSE THE ESTATE. After distribution of the estate has been completed, the estate must be closed, either formally or informally. In an informal closing, a copy of the Closing Statement is filed with the Court and must be sent to all persons receiving a distribution from the estate. See A.R.S. § 14-3933. For a formal closing, see A.R.S. §§ 14-3931 and 14-3932. Usually, the Court expects the estate to be completely administered and closed within six (6) months to one (1) year of the initial appointment of the Personal Representative.

WARNING: This is only an outline of some of your duties as Co-Personal Representatives. This *Order* does not describe all of your duties, and is not a substitute for obtaining professional legal advice. This is a general outline of your duties only. If you have any questions as Co-Personal Representatives, before taking any action, you should contact an attorney who handles probate estates to find out what to do.

Failure to obey a Court *Order* and the statutory provisions relating to this estate may result in your removal as Co-Personal Representatives and other penalties. In some circumstances, you may be held in contempt of court, punished by confinement in jail, fine or both. In addition, if you violate any of your fiduciary duties, you could be held personally liable for any losses for which you are responsible.

The Superior Court of Arizona in Maricopa County, Self-Service Center, has forms, instructions and procedures to help you with the Probate of an Informal Estate, and has a list of lawyers who can give you legal advice, and can help you on a task-by-task basis for a fee. The Self-Service Center is located at 101 West Jefferson, 4th Floor, East Court Building, Phoenix, Arizona, or 222 East Javelina, 1st Floor, Mesa, Arizona, or the same information is available on the Internet at:

<http://www.maricopa.gov/supert/ssc/sschome.html>.

DATED this _____ day of _____, 2005.

Judge or Special Commissioner

ACKNOWLEDGMENT

The undersigned acknowledges receiving a copy of this order and agrees to be bound by its provisions, whether or not he or she read it before signing, as long as he or she is Personal Representative.

Bette Lou Parentie

Signature of Personal Representative

Aug. 31, 2005

Date

DYER & FERRIS
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Suite 1801
Phoenix, AZ 85004-1449
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4 Charles J. Dyer, #02112
5 Charles M. Dyer, #17994
6 Scott R. Ferris, #16484
Lynn A. Keeling, #15130
Khalil C. Saigh, #19982

7 Attorney for Applicant
8 BETTE LOU PRENTICE

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

11 In the Matter of the Estate of } NO. PB 2005-002592
12 J. LEONARD PRENTICE, } ORDER ADMITTING FORMAL
13 } PROBATE OF LAST WILL AND
14 Deceased. } APPOINTMENT OF PERSONAL
REPRESENTATIVE

1. Decedent died on August 25, 2005, at the age of 91 years. At the time of death, Decedent was domiciled in Maricopa County, State of Arizona.

2. The original of Decedent's Will, dated May 12, 2000 is filed with this Application.

5 3. Decedent left surviving the following persons who are the surviving spouse, children, heirs and devisees of Decedent:

DYER & FERRIS
3550 North Central
Suite 1801
Phoenix, AZ 85004-1449
(602) 254-6008

Prentice, Leonard
LAK/c: September 1, 2005
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- 1 a. BETTE LOU PRENTICE
- 2 b. GALEN PRENTICE
- 3 c. KAY COOPerman
- 4 d. JAMIE STARBUCK

5 4. Venue for this proceeding is in this county because Decedent was a
6 domiciliary of this county at the time of death.

7 5. No Personal Representative for Decedent's Estate has been appointed in this
8 state or elsewhere.

9 6. The court finds compliance with A.R.S. §§ 14-3303 and 14-3308 and is
10 satisfied that said Will is entitled to probate and that **BETTE LOU PRENTICE** is entitled to
11 appointment as Personal Representative under all applicable provisions of A.R.S. Title 14, Chapter
12 3, Article 3.

13 WHEREFORE the Court orders as follows:

14 A. The Will of **J. LEONARD PRENTICE**, dated May 12, 2000, is admitted
15 to probate.

16 B. **BETTE LOU PRENTICE** is appointed as Personal Representative of
17 Decedent's Estate without bond and Letters shall be issued upon said Personal Representative
18 accepting.

19 C. The Personal Representative shall immediately notify the Court in these
20 proceedings of any change in address and shall be responsible for all costs resulting from failure
21 to do so.

22 DATED: _____

23
24 Commissioner _____
25
26

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Phoenix, AZ 85004-1449
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Prentice, Leonard
LAK/6th August 29, 2005
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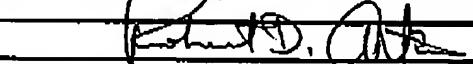
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number 10/628,773
Total Number of Pages in This Submission	10	Filing Date April 20, 2004
		First Named Inventor Badredin Fatemizadeh
		Art Unit 2826
		Examiner Name Fetsum Abraham
		Attorney Docket Number 112518.00005

ENCLOSURES <i>(Check all that apply)</i>		
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Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Robert D. Atkins, Reg. 34,288 - QUARLES & BRADY STREICH LANG LLP	
Signature		
Date	October 3, 2005	

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Typed or printed name

Marita O'Neill

Signature



Date

October 3, 2005

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